

REMARKS

Claims 57-64 are currently pending in the present application.

Claims 57-60 and 64 are currently being prosecuted.

Claims 61-63 have been withdrawn from consideration in light of a restriction requirement, as discussed below.

The Examiner contends that the present application encompasses three distinct inventions as follows:

- I. Claims 57-60-method of controlling the geometry or shape of particles produced by electrohydrodynamic comminution;
- II. Claim 61-use of an oil base formulation; and
- III. Claims 62 and 63- dispensing device.

Applicants hereby affirm the election of the Group I, made by their undersigned attorney in a May 2, 2007 telephone conversation, for further prosecution in this application. In light of that election, Claims 61-63 have been withdrawn from further consideration. Claim 64, which depends from claim 57 and, therefore, falls within the elected Group I (antecedent basis at paragraph [0123] of the present application) has been added to the present application. No new matter has resulted from the addition of that claim.

The Examiner has objected to claims in the present application based on several informalities in those claims. With regard to these objections, Applicants have amended claim 57 to provide antecedent basis for the term “amount” as used in that claim. Further, claim 58 has been amended by inserting the full name of the polymers utilized in place of the abbreviations PVA and PVP. Finally, claim 60 has been amended to delete the word “an” before the word alcohol.

No new matter is introduced to the claims by virtue of these amendments. In light of these amendments, it is respectfully submitted that the claim objections made by the Examiner have addressed and should be withdrawn.

The Examiner has rejected claims 57-60, under the second paragraph of 35 USC §112, based on the use of several phrases which the Examiner contends lack clarity. Specifically, the Examiner questions the use of the word “medium” in claim 57. In that claim, the word “medium” refers to the molecular weight of the polymer utilized, specifically, the polymer has “medium” to “high” molecular weight. In order to address the Examiner’s concern, that phrase has been deleted and a specific molecular weight range for the polymer has been introduced into the claim (antecedent basis at paragraph [0123] of the present application). The Examiner also objected to the use of the phrase “sufficient polymer” in claim 59 indicating that it is not clear what “sufficient” refers to. Applicants traverse that rejection. The wording of claim 59 clearly defines what is intended by the word “sufficient”; specifically, the claim defines the use of sufficient polymer “to cause at least some of the comminuted matter to have a granular form with at least a portion of the granules having fibrils or tails.” Thus, the wording utilized in claim 59 itself defines the amount of polymer encompassed by the word “sufficient.” Finally, the Examiner has objected to the use of the word “some” in claim 59. That word has been deleted and, in its place, the word “portion” has been inserted. One skilled in the art would have no trouble understanding what this means, ie, that at least a portion of the granules formed have fibrils or tails. In light of these amendments, it is submitted the rejections under 35 USC §112, have been overcome and it is respectfully requested that they be withdrawn.

The Examiner has rejected claims 57, 58, 59 and 60, under 35 USC §102(b) or §103, based on US Patent 5,788,819 (Onishi et al). Those rejections are respectfully traversed.

The words of the claims presently under consideration limit the process defined to a specific process, ie, one in which a liquid undergoes electrohydrodynamic comminution. Electrohydrodynamic comminution is the formation of particles out of that liquid by electrohydrodynamic techniques. Thus, the entire thrust of the present invention is based on the ability to control the physical characteristics of the comminuted particles formed from the liquid. This is accomplished by the addition of certain polymeric materials to that liquid which is then subjected to electrohydrodynamic comminution.

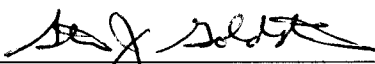
The Onishi et al patent relates to a completely different type of process. The process defined in Onishi et al does not relate to the comminution (eg, aerosolization or particulation) of a liquid medium. Rather, by its very specific disclosure, the Onishi et al process relates to the use of the electric charges to move liquids, agitate liquids, agglomerate materials in liquids, or detect minute amounts of substance or particles in a liquid. The Onishi et al process has nothing to do with comminution of a liquid. Specifically, the Onishi et al process does not form particles or aerosol mist out of a liquid medium. Thus, the Onishi et al process is fundamentally different from that which is claimed in the present application. It cannot anticipate the present application because it does not meet the limits of the present claims, which require that the process be one for the “electrohydrodynamic comminution of at least one liquid.” Thus, the Onishi et al patent cannot anticipate the claims of the present application. Further, the Onishi et al patent would not be utilized by one skilled in the art with regard to controlling the physical characteristics of particles formed by electrohydrodynamic comminution, since the Onishi et al process does not relate to electrohydrodynamic comminution. Accordingly, the claims in the present application would not have been obvious based on the disclosure of the Onishi et al patent. Finally, Examiner’s attention is drawn to newly-added claim 64, which defines a process wherein the

liquid, which is comminuted, does not include surfactants. Preferred embodiments of the Onishi et al process do, in fact, include surfactant materials (see column 12, lines 9-20). Thus, claim 64 even more clearly distinguishes over the process defined in the Onishi et al patent.

In light of the foregoing amendments and remarks, it is submitted that the claims currently pending in the present application overcome the rejections and objections made by the Examiner and it is respectfully requested that those rejections and objections be withdrawn. Accordingly, reconsideration and allowance of the claims, as amended herein, are earnestly solicited.

Respectfully submitted,
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